

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

09 MATTHEW G. SILVA, ) CASE NO. C04-1484-JCC-MAT  
10 Plaintiff, )  
11 v. ) ORDER DENYING PLAINTIFF'S  
12 KING COUNTY, *et al.*, ) SECOND MOTION FOR  
13 Defendants. ) PRELIMINARY INJUNCTIVE  
 ) RELIEF

15 This matter comes before the Court on the Report and Recommendation (Dkt. No. 149)  
16 of the Honorable Mary Alice Theiler, United States Magistrate Judge. The Court has reviewed  
17 Plaintiff's civil rights complaint, Plaintiff's second motion for preliminary injunctive relief, the  
18 Report and Recommendation ("R&R"), Plaintiff's Objections to the R&R, and the remaining  
19 record, and hereby finds and rules as follows.

In her R&R Judge Theiler concludes that Plaintiff's second motion for preliminary injunctive relief should be denied because Plaintiff fails to demonstrate that he has or will suffer irreparable harm absent a preliminary injunction. Plaintiff objects that the "irreparable injury" standard is "insurmountable" and "fails to hold the Defendants to their burden of establishing the Constitutional adequacy of their legal access policies." (Objections at 1.) While Plaintiff may feel that the "irreparable injury" standard is too high, it is nonetheless the standard the Ninth Circuit has set forth as the proper standard for considering requests for preliminary injunctive relief. *See*,

01 e.g., *Cassim v. Bowen*, 824 F.2d 791, 795 (9th Cir. 1987); *Caribbean Marine Servs. Co. v.*  
02 *Baldridge*, 844 F.2d 668, 674 (9th Cir. 1988); *Int'l Jensen, Inc. v. Metrosound U.S.A., Inc.*, 4  
03 F.3d 819, 822 (9th Cir. 1993). Plaintiff's Objections fail to convince the Court that he is suffering  
04 injury sufficient to warrant the issuance of a preliminary injunction. Finding no error in Judge  
05 Theiler's reasoning, Plaintiff's second motion for preliminary injunction must be denied.

06 | IT IS SO ORDERED:

- (1) The Court adopts the Report and Recommendation.
  - (2) Plaintiff's second motion for preliminary injunctive relief (Dkt. No. 107) is DENIED.
  - (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants, and to the Honorable Mary Alice Theiler.

DATED this 17th day of May, 2005.

5.  
John C. Coughenour  
UNITED STATES DISTRICT JUDGE